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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

....

MARK ENGLAND

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT (LVMPD), a Political
Subdivision of the STATE OF NEVADA;
Police Officers JENNINGS (LVMPD
#6178); CLARK (LVMPD #6240);
individually and as Police Officers employed
by the LAS VEGAS METROPOLITAN
POLICE DEPARTMENT; POLICE
OFFICER; JOHN DOES I-XX; and
OFFICER DOES I-XX inclusive,

Defendants.

Case No.: 2:07-cv-01238-PMP-GWF

**PLAINTIFF MARK ENGLAND'S
EMERGENCY MOTION FOR
EXCEPTION TO THE PERSONAL
ATTENDANCE REQUIREMENT AT THE
SETTLEMENT CONFERENCE
SCHEDULED FOR AUGUST 11, 2014**

COMES NOW, Plaintiff, MARK ENGLAND, by and through his attorney of record,
CAL POTTER, ESQ. of POTTER LAW OFFICES and E. BRENT BRYSON, ESQ. and
hereby submits this Request for Exception of Attendance at the Settlement Conference
Scheduled for August 11, 2014, due to the brief period of time before the conference, must be
filed on an emergency basis.

...

1 This Motion is made and based upon the attached Memorandum of Points and
2 Authorities, the papers and pleadings on file herein, and the declaration of counsel attached
3 hereto.

4 DATED this 7th day of August, 2014

5
6 POTTER LAW OFFICES

7 By /s/ C. J. Potter, IV, Esq.
8 CAL J. POTTER, III, ESQ.
9 Nevada Bar No. 1988
10 C. J. POTTER, IV, ESQ.
Nevada Bar No. 13225
1125 Shadow Lane
Las Vegas, Nevada 89102
Attorneys for Plaintiff

11 **DECLARATION OF C. J. POTTER, IV, ESQ. IN SUPPORT OF PLAINTIFF'S**
12 **MOTION FOR EXCEPTION TO THE PERSONAL ATTENDANCE REQUIREMENT**
13 **AT THE SETTLEMENT CONFERENCE SCHEDULED FOR AUGUST 11, 2014**

14 STATE OF NEVADA)

15 COUNTY OF CLARK) ss.

16 C. J. POTTER, IV, ESQ., being first duly sworn upon oath, deposes and states:

- 17 1. Your Declarant is an attorney duly licensed to practice law in the State of Nevada with his
18 offices located at 1125 Shadow Lane, Las Vegas, Nevada;
- 19 2. That your Declarant is an attorney whom practices with Cal J. Potter, III, Esq., one of
20 attorneys of record for the Plaintiff, and as such your Declarant is competent to testify as
21 to the matters set forth herein;
- 22 3. That this Declaration is made in support of Plaintiff's Motion for an Exception to the
23 Attendance Requirement at the Settlement Conference scheduled for August 11, 2014;
- 24 4. That the Settlement Conference is Scheduled for Monday, August 11, 2014, and due to the
25 brief period of time before the conference, must be filed on an emergency basis;
- 26 5. That you Declarant has learned that Mark England is presently serving on "Drill Weekend
27 Status" for the U.S. Army National Guard in his capacity as a combat medic;
- 28 6. That Plaintiff's service requires him to be physically present in a remote location in
Arkansas;

- 1 7. That as a result of Plaintiff's "Drill Weekend Status", Plaintiff cannot travel to Las Vegas
2 to attend the settlement conference in person;
3 8. That Plaintiff is available to participate telephonically in the settlement conference;
4 9. That your Declarant provides this Declaration under the pains and penalties of perjury
5 under the law of the State of Nevada that the foregoing is true and correct.

6 /s/ C. J. Potter, IV, Esq.
C. J. POTTER, IV, ESQ.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 As detailed in the declaration of counsel, Mark England is presently serving on "Drill
9 Weekend Status" for the U.S. Army National Guard in his capacity as a combat medic. As a result
10 Plaintiff is unable to travel to Las Vegas to be physically present at the settlement conference.
11 However, Mr. England is able to attend the conference telephonically. Accordingly, Plaintiff
12 respectfully requests that this Court allow Mr. England to attend the settlement conference by
13 telephone.

14 DATED this 7th day of August, 2014

15 POTTER LAW OFFICES

16 By /s/ C. J. Potter, IV, Esq.
17 CAL J. POTTER, III, ESQ.
18 Nevada Bar No. 1988
19 C. J. POTTER, IV, ESQ.
20 Nevada Bar No. 13225
21 1125 Shadow Lane
22 Las Vegas, Nevada 89102
23 *Attorneys for Plaintiff*

24 **ORDER**

25 IT IS SO ORDERED that, good cause appearing therefore, the Plaintiff MARK
26 ENGLAND's personal attendance at the settlement conference on August 7th, 2014 at 9:00 a.m.
27 is waived and Plaintiff is permitted to attend by telephone.

28 DATED this 8th day of August, 2014.


U.S. MAGISTRATE JUDGE FOLEY

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of POTTER LAW OFFICES, and that, on this 7th day of August, 2014, I electronically filed and sent electronic notification through the CM/ECF filing process a true copy of the **PLAINTIFF MARK ENGLAND'S EMERGENCY MOTION FOR EXCEPTION TO THE PERSONAL ATTENDANCE REQUIREMENT AT THE SETTLEMENT CONFERENCE SCHEDULED FOR AUGUST 11, 2014** addressed to:

Craig R. Anderson, Esq.
MARQUIS, AURBACH, COFFING
10001 Park Run Drive
Las Vegas, Nevada 89145
Ph: (702) 382-0711
Fax: (702) 382-5816

/s/ Jenna Enrico
An Employee of POTTER LAW OFFICES